

**REMARKS**

**INTRODUCTION:**

As set forth in the preceding section, claims 1 and 8 have been amended and new dependent claims 23 and 24 have been added. No new matter has been added by way of the amendments or the new claims. Claims 21 and 22 have been cancelled.

Claims 1, 2, 5-9, 12-16 and 18-20, 23 and 24 are pending and under consideration. Claims 1, 8 and 18-20 are independent claims. Reconsideration of the claims in view of the present amendments and the following remarks is respectfully requested.

**ALLOWABLE SUBJECT MATTER:**

Claims 18-20 are allowed.

**REJECTIONS UNDER 35 U.S.C. §112:**

Claims 1, 2, 5-7, 9, 12-16 and 22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejections are traversed and reconsideration is requested.

The claims have been amended to address the rejections and to clarify the recitations. Accordingly, it is respectfully requested these rejections be withdrawn.

**REJECTIONS UNDER 35 USC § 103:**

Claims 1, 2, 5-9, 12-16, 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0156338 A1 by Kudo et al. ("Kudo"). All rejections are respectfully traversed.

Amended independent claim 1 recites at least the following:

wherein in the raw recording mode, the table of contents information is built and then data transmitted from the host is sequentially recorded on a lead-in region, a program region including a pre-gap, and a lead-out region of the optical recording medium.

Kudo, taken alone or in combination, fails to suggest or disclose all of the above-recited features.

The Office Action asserts at page 4, item 15, that Kudo describes all of the above-recited features at pars. [0120], [0124], [0186], [0196] - [0198] and [0210]- [0214]. Applicant respectfully disagrees with the Office Action assertion and requests reconsideration for at least the following reasons.

Kudo is directed to a system adapted to record or “dub” audio data read from a compact disc to a Mini-disc (MD) or a hard disc, or to dub audio data recorded in a hard disc to a MD, or to dub audio from an MD to a hard disc. Although Kudo appears to describe building TOC information based on a target medium in order to dub the audio data to each medium, Kudo does not describe “sequentially recording the data in a raw recording mode on the lead-in region, a program region, and a lead-out region” **after** building the TOC information on the data in the buffer as claimed.

In fact, the Office Action fails to establish that Kudo is different than a convention raw recording mode, described by way of example and not limitation at paragraphs [0004] – [0006] of the present application. In such a conventional raw recording mode, data transmitted from a host is sequentially recorded on a read-in region, a program region, and a read-out region of an optical recording medium. **After** completion of the recording of the data on the lead-out region, the lead-in region on which the data has already been recorded at a low rotation speed is sought using an optical pickup, and **then** the TOC information of the optical recording medium is built, at which time the recording process is complete.

Accordingly, Applicant respectfully asserts that independent claims 1 and 8 patentably distinguish over Kudo, and should be allowable for at least the above-mentioned reasons.

Further, claims 2, 5-7, 9, and 12-16 variously depend from independent claims 1 and 8, and should be allowable for at least the same reasons as claims 1 and 8, as well as for the additional features recited therein.

#### NEW CLAIMS:

New dependent claims 23 and 24, each having additional patentable features, have been added. Consideration of the new claims is respectfully requested.

REQUEST FOR ENTRY IN ACCORDANCE WITH 37 CFR 1.116:

Entry of this Amendment in accordance with 37 CFR 1.116 is respectfully requested. Applicant submits that this Amendment After Final Rejection places the subject application in condition for allowance. This Amendment was not presented earlier because Applicant believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment as an earnest attempt to advance prosecution is requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By:   
David J. Cutitta  
Registration No. 52,790

1201 New York Ave, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501